GJM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Daniel VALLEJO-Fuentes,** Defendant	Magistrate Docket No. 08 JUL -7 AM 11:11 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States **'08 MJ 2054**

The undersigned complainant, being duly sworn, states:

On or about **July 4, 2008** within the Southern District of California, defendant, **Jose Daniel VALLEJO-Fuentes,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **7th** DAY OF **JULY, 2008**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose Daniel VALLEJO-Fuentes

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On July 04, 2008, at approximately 5:30 AM, Border Patrol Agent C. A. Cooper responded to a seismic sensor activation in the Double Palms area. This landmark is located approximately two miles west of the San Ysidro, California Port of Entry and approximately 1/2 mile north of the United States/Mexico international boundary fence. The Double Palms is an area frequently used by undocumented aliens attempting to further their illegal entry into the United States. When Agent Cooper arrived, he discovered three individuals, one of whom was identified as the defendant **Jose Daniel VALLEJO-Fuentes**, hiding in the brush. Agent Cooper identified himself as a United States Border Patrol Agent and asked the defendant to state his country of citizenship. The defendant claimed to be a citizen of Mexico. Agent Cooper asked the defendant if he had any legal documents allowing him to enter or remain in the United States. The defendant said he did not. Agent Cooper asked the defendant where he was going. The defendant stated he intended to travel to Las Vegas, Nevada. Agent Cooper arrested the defendant and had him transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 22, 2005** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on July 5, 2008, at 10:00 a.m.

Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **July 4, 2008,** in violation of Title 8, United States Code, Section 1324.

William McCurine Jr.
United States Magistrate Judge

7/5/08, 1240 hrs
Date/Time